

72-10-103 Rulemaking requirement.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules:
 - (a) governing the establishment, location, and use of air navigation facilities;
 - (b) regulating the use, licensing, and supervision of airports;
 - (c) establishing minimum standards with which all air navigation facilities, flying clubs, aircraft, gliders, pilots, and airports must comply; and
 - (d) safeguarding from accident and protecting the safety of persons operating or using aircraft and persons and property on the ground.
- (2) The rules may:
 - (a) require that any device or accessory that forms part of any aircraft or its equipment be certified as complying with this chapter;
 - (b) limit the use of any device or accessory as necessary for safety; and
 - (c) develop and promote aeronautics within this state.
- (3)
 - (a) To avoid the danger of accident incident to confusion arising from conflicting rules governing aeronautics, the rules shall conform as nearly as possible with federal legislation, rules, regulations, and orders on aeronautics.
 - (b) The rules may not be inconsistent with paramount federal legislation, rules, regulations, and orders on the subject.
- (4) The department may not require any pilot, aircraft, or mechanic who has procured a license under the Civil Aeronautics Authority of the United States to obtain a license from this state, other than required by this chapter.
- (5) The department may not make rules that conflict with the regulations of:
 - (a) the Civil Aeronautics Authority; or
 - (b) other federal agencies authorized to regulate the particular activity.
- (6) All schedules of charges, tolls, and fees established by the division shall be approved and adopted by the department.
- (7) The department shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in its adjudicative proceedings.

Amended by Chapter 382, 2008 General Session